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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,626	10/16/2001	Peter Melchior	4535/22	7032
26646	7590	12/20/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			MOONEYHAM, JANICE A	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/981,626

Applicant(s)

MELCHIOR ET AL.

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. This is in response to the applicant's communication filed on October 15, 2001, wherein claims 1-23 are currently pending.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on October 7, 2002 is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Conklin et al. (US 6, 141,653).

Referring to Claims 1 and 17:

Conklin et al. discloses a computerized method and system for facilitating the transaction in goods or services, comprising:

allowing electronic procurement of a purchase order agreement between a seller and a buyer, the purchase order agreement being stored electronically and relating to a transaction in one or more goods or services (col. 5, lines 35-40; col. 7, lines 30-41; col. 13, lines 61-63; col. 14, lines 21-26, Figure 11a-1Figure 18);

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allowing electronic modification of the purchase order agreement upon agreement by the seller and the buyer to the modification (col. 13, lines 51-55; col. 24, lines 1-17; col. 24, line 66 thru col. 26, line 18 Interactive multivariate negotiations);

receiving and storing electronic evidence that the seller has performed in connection with fulfilling the seller's obligations as defined by the purchase order agreement (Figure 15c-Figure 19); and

electronically evaluating whether the seller has complied with the seller's obligations as defined by the purchase order agreement ((Figures 16-19).

Referring to Claim 2:

Conklin et al. discloses a means for allowing electronic modification of the purchase order agreement and a means for allowing electronic negotiation between the parties relating to the modification (col. 13, lines 51-55, col. 13, line 66 thru col. 14, line 26).

Referring to Claim 3:

Conklin et al. discloses a means for allowing a communication between a plurality of sellers and buyers (col. 17, lines 14-38)

Referring to Claims 4 and 18:

Conklin et al. discloses a computerized method and system for facilitating transactions in goods or services, the method comprising:

allowing electronic procurement of a purchase order agreement between a seller and a buyer, the purchase order agreement being stored electronically and

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relating to a transaction in one or more goods or services (col. 5, lines 35-40; col. 7, lines 30-41, col. 13., lines 61-63, col. 14, lines 21-26, Figure 11a-1, Figure 18);

allowing electronic modification of the purchase order agreement upon agreement by the seller and the buyer to the modification (col. 13, lines 51-55; col. 24, lines 1-17; col. 24, line 66 thru col. 26, line 18 Interactive multivariate negotiations);

receiving and storing electronic evidence that the seller has performed in connection with fulfilling the seller's obligations as defined by the purchase order agreement (Figure 16-Figure 19);

electronically evaluating whether the seller has complied with the seller's obligations as defined by the purchase order agreement (Figures 16-19);

electronically providing a payment instruction if the seller has been evaluated to have complied with the seller's obligation as defined by the purchase order agreement (Figure 17, Figure 30); and

receiving and storing electronic evidence that the buyer has made one or more payments in connection with fulfilling buyer's obligations as defined by the purchase order agreement as modified by any modifications (col. 26, lines 65 thru col. 27, line 31).

Referring to Claims 5-6:

Conklin et al. discloses a means for allowing negotiation between the parties and means for allowing modifications 9col. 17, lines 14-38).

Referring to Claims 7-9:

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Conklin et al. discloses a means for storing electronic records (col. 14, lines 21-26).

Referring to Claim 10:

Conklin et al. discloses a means for allowing determining the different rights of the parties (col. 25, lines 12-20 deciding entity).

Referring to Claims 11-12:

Conklin et al. discloses a means for evaluating payment criteria, means for evaluating credit exposure, and means for providing payment guarantee (col. 25, lines 56-59, col. 26, line 65 thru col. 27, line 31).

Referring to Claim 13:

Conklin discloses a means for determining compliance with obligations (col. 15, lines 7-12).

Referring to Claims 14 and 19:

Conklin et al. discloses computerized method and system for facilitating transactions in goods or services, the method comprising:

allowing electronic procurement of a purchase order agreement between a seller and a buyer, the purchase order agreement being stored electronically and relating to a transaction in one or more goods or services (col. 5, lines 35-40; col. 7, lines 30-41; col. 13, lines 61-63; col. 14, lines 21-26);

allowing electronic negotiations between the seller and the buyer relating to establishing the purchase order agreement (col. 13, lines 51-55; col. 24, lines 1-17; col. 24, line 66 thru col. 26, line 18 interactive multivariate negotiations).

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allowing electronic modification of the purchase order agreement upon agreement by the seller and the buyer to the modification (col. 13, lines 51-55, Figures 7, col. 27, lines 14-26);

receiving and storing electronic evidence that the seller has performed in connection with fulfilling the seller's obligations as defined by the purchase order agreement (Figures 16-19);

electronically evaluating whether the seller has complied with the seller's obligations as defined by the purchase order agreement (Figures 16-19).

Referring to Claims 15, 20, 22-23:

Conklin et al. discloses a computerized method and system for facilitating transactions in goods or services, the method comprising:

allowing electronic procurement of a purchase order agreement between a seller and a buyer, the purchase order agreement being stored electronically and relating to a transaction in one or more goods or services (col. 5, lines 35-40; col. 7, lines 30-41; col. 13, lines 61-63; col. 14, lines 21-26);

allowing electronic negotiations between the seller and the buyer relating to establishing the purchase order agreement (col. 13, lines 51-55; col. 24, lines 1-17; col. 24, line 66 thru col. 26, line 18);

allowing electronic modification of the purchase order agreement upon agreement by the seller and the buyer to the modification (col. 13, lines 51-55; col. 24, lines 1-17; col. 24, line 66 thru col. 26, line 18);

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receiving and storing electronic evidence that the seller has performed in connection with fulfilling the seller's obligations as defined by the purchase order agreement (Figures 16-19);

electronically evaluating whether the seller has complied with the seller's obligations as defined by the purchase order agreement (Figures 16-19);

electronically providing a payment instruction if the seller has been evaluated to have complied with the seller's obligation as defined by the purchase order agreement (Figure 30); and

receiving and storing electronic evidence that the buyer has made on or more payments in connection with fulfilling buyer's obligations as defined by the purchase order agreement as modified by any modifications (Figure 30).

Referring to Claim 21:

Conklin et al. discloses wherein allowing the electronic negotiation comprises:

allowing a first one of the seller and the buyer to communicate to a second one of a seller and a buyer a first proposed purchase order (Figure 3; Figure 9);

allowing the second one of the seller and the buyer to electronically communicate to the first one of the seller and the buyer an action selected from the group of accepting the first proposed purchase order, declining the first proposed purchase order, communicating the second one of the buyer and the seller a second proposed purchase order, the second proposed purchase order being created by the second one of the seller and the buyer by electronically



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modifying the first proposed purchase order (col. 5, lines 35-40; col. 7, lines 30-41; col. 13, lines 61-63; col. 14, lines 21-26); and

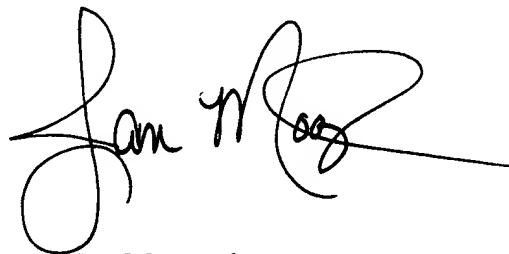
establishing and storing electronically a purchase order agreement in accordance with any purchase order that has been proposed by the first one of the seller and the buyer and accepted by the second one of the seller and the buyer and to establish and store electronically a purchase order agreement in accordance with any purchase order that has been proposed by the second one of the seller and the buyer and accepted by the first one of the seller and the buyer (col. 13, line 66 thru col. 14, line 26).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jan Mooneyham", with a long horizontal flourish extending to the right.

Jan Mooneyham  
Patent Examiner  
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